

UNITED STATES COURTS ARCHIVE

www.UnitedStatesCourts.org



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02058-BNB

PEMBINA NATION LITTLE SHELL BAND OF NORTH AMERICA,

Plaintiff,

v.

WELLS FARGO BANK N.A., and
ARONOWITZ & MECKLENBERG LLP,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Pembina Nation Little Shell Band of North America, initiated this action by filing a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The documents were submitted *pro se* by Earl H. Brauch, who indicates that he is a “trustee” and “proper person representative”.

In an Order Directing the Plaintiff to Cure Deficiencies entered on August 7, 2012, Magistrate Judge Boyd N. Boland advised Plaintiff that a corporation, partnership, or other legal entity, such as a trust, “cannot appear without counsel admitted to practice before this court” D.C.COLO.LCivR 83.3D; *Amoco Prod. Co. v. Aspen Grp.*, 25 F.Supp.2d 1162, 1166 (D. Colo.1998); *see also C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697-98 (9th Cir.1987) (“He may not claim that his status as trustee includes the right to present arguments *pro se* in federal court.”); *Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 348 (8th Cir.1994) (“A non-lawyer, such as these purported [*pro se* trustees], has no right to represent another entity, *i.e.*, a trust, in a

court of the United States.”). Because there is no indication that Mr. Brauch is a licensed attorney, the Court further advised Mr. Brauch that he may not represent Pembina National Little Shell Band of North America, or any other entity, in this action. See 28 U.S.C. § 1654. Accordingly, the Court ordered Mr. Brauch to submit a Complaint and a Motion for Leave to Proceed Pursuant to 28 U.S.C. § 1915, on his own behalf, within thirty days of the August 7 Order. The August 7 Order warned Mr. Brauch that if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

In response to the August 7 Order, Mr. Brauch has once again filed *pro se* documents in his purported role as “trustee representative” for the Pembina Nation Little Shell Band of North America. These documents fail to comply with the Court’s August 7 Order. Therefore, Mr. Brauch has failed to cure the designated deficiencies within the time allowed.

In addition, Mr. Brauch has filed a motion to clarify in which he requests information concerning various legislative laws. Mr. Brauch is advised that the Court may not give legal advice to litigants. Accordingly, it is

ORDERED that the action be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Earl H. Brauch, as purported trustee representative of the Pembina National Little Shell Band of North America, to comply with the order to cure dated August 7, 2012. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 14th day of September, 2012.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court